IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2114 of 2005

Between:

"THE CITIZENS CLUB' Regd.No.150, Est.1990, registered office at D.No.24-6-99, Hunter Road, Warangal-506 010, rep., by its Director Sri R.Vidya Sagar.

... PETITIONER

AND

1 Superintendent of Police, Warangal, Warangal District.
2 The Deputy Superintendent of Police, Town, Warangal District.
3 The Inspector of Police, Subedari P.S., Warangal.
4 The Sub Inspector of Police, Subedari P.S., Warangal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in obstructing the plying of rummy with stakes/syndicate by the members of the petitioner recreation club as arbitrary, illegal, unconstitutional and contrary to the judgment of the Hon'ble Supreme Court in State of A.P. vs. K.Satyanarayana reported in AIR 1968 SC 825 and the judgment of this Hon'ble Court reported in 2002 (5) ALT (DB) 805 and consequently direct the respondents not to interfere with the playing of rummy with stakes/syndicate by the members of the petitioner recreation club within the recreation club premises during working hours as provided in the rules of the petitioner club.

Counsel for the Petitioner: MR.G.PRABHAKAR SARMA

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

O R D E R:

Petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in ***State of A.P. v. K. Satyanarayana***, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 (for short "the Act") do not apply to such game, and it falls within the meaning of game of 'mere skill' under Section 15 of the Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. No order as to costs.

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10th February, 2005

Note: Issue copy in two days.

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To

1 Superintendent of Police, Warangal, Warangal District.
2 The Deputy Superintendent of Police, Warangal Town,

Warangal District.
3 The Inspector of Police, Subedari P.S., Warangal.
4 The Sub Inspector of Police, Subedari P.S., Warangal.

5 Two C.Cs to the Govt.Pleader for Home,

High Court building, Hyderabad (OUT).

6 Two C.D.copies.